

Pentax Corp.

Translation of the Office Action  
of October 19, 2004

Request of examination, fee paid on July 2, 2004

Documents filed on

received on

The examination of the above mentioned patent application has led to the following result.

For response a term of

4 months, i.e. until March 10, 2005

is granted, starting with delivery.

For documents that are eventually attached to the response (e.g. patent claims, specification, portions of specification, drawings), two sets each on separate sheets are required. Of the response itself only one set is required.

If the patent claims, the specification and the drawings are amended in the course of the procedure, the applicant, unless the changes are suggested by the Patent Office, has to indicate individually at which location in the original documents the features of the invention described in the new documents are disclosed.

In this Office Action, the following citations are mentioned for the first time (If numbered, this numbering is also applicable to the further procedure):

**NOTICE ON THE POSSIBILITY OF DERIVING A UTILITY MODEL**

The applicant of a patent application filed after January 1, 1987 with effect for the Federal Republic of Germany can file a utility model application relating to the same subject-matter while claiming the application date of the earlier patent application. This derived utility model (§ 5 Utility Model Law) can be applied for by the end of 2 months following the end of the month in which the patent application is terminated by non-appealable rejection, voluntary withdrawal or withdrawal fiction, an opposition procedure having been concluded or - in the case of the grant of the patent - the deadline for the appeal against the decision of grant having elapsed without response. Detailed information on the requirements of a utility model application, including a derived application, is to be taken from the Leaflet for Utility Model Applicants (G 6181) which can be obtained free of charge at the Patent Office and the public patent inspection halls.

- (1) US 4 937 609 A
- (2) EP 0 810 466 A1
- (3) DE 33 17 999 A1
- (4) DE 196 23 066 A1

1. Provided that in claim 1 – which would have to be clarified accordingly – a “ready-to-photograph” lens system and a “photographing optical system” is basically nothing else than a lens of a camera, which is extended in an operating position and retracted in the camera body in a non-operating position, then, in view of an accordingly clarified claim 1, a retractable lens system having the following features is known from document (1) (see figures 1 to 24 with corresponding description). The lens system (lens) known from document (1) is comprised of the optical elements 10, 20, 30, 60, 70, 80 that are positioned on a common optical axis (see in particular figures 2, 3, 8, 9 and 11 with corresponding description). As can be taken from document (1), e.g. figures 1 to 6 in connection with column 3, lines 32-42, column 4, lines 39ff, column 5, lines 21ff, column 5, line 39 to column 6, the optical elements 30, 80 (filter) and 20, 70 (lens) are movable to a removed position outside the optical axis. The lens has the positions R2, W, T, which are along the optical axis, wherein “R” is a non-operating position (cf. figure 6 in connection with column 7, lines 35ff). All optical elements are movable along the optical axis and thus in the retraction direction. According to column 8, lines 14-25, the optical lens groups 60 and 70 move together from the wide-angle position, i.e. the position in which the lens group 70 is moved out of the optical axis, to the non-operating position. Therefore, everything that can be taken from claim 1 does not go beyond the prior art according to document (1).

Thus, the subject matter of claim 1 is anticipated by document (1). For this reason, claim 1 is not allowable. Claims 2 to 11 are not allowable for formal reasons.

2. In accordance with the remarks in paragraph 1 of this Office Action, in view of independent claim 12, a method is known from document (1), in which a lens system is comprised e.g. of the lens groups 60, 70 in a position T, which are positioned on a common optical axis and form a lens of a camera (see above). The “photographing optical system”, which is not quite clear, has been interpreted as “lens of a camera” in accordance with the remarks in paragraph 1 of this Office Action. When moved into the non-operating position, the lens passes the position W, in which the lens group has been moved out of the former common optical axis and reaches the position R2 by a common movement of the lens groups 60 and 70 (see e.g. figure 4 and columns

5, 6 and in particular column 7, from line 35 to column 8, line 19). Thus, all features of the subject matter of independent claim 12 are known from the prior art according to document (1).

Therefore, independent claim 12 is not novel. For this reason, independent claim 12 is not allowable. Claims 13 to 15 are not allowable due to formal reasons.

3. In independent claim 16 it is not quite clear how the lenses are to be positioned in "an overlapping manner", since this depends on the position of the viewer.

Thus, independent claim 16 is not suitable for forming the basis for a clear set of claims. For this reason, independent claim 16 is not allowable. Claims 17 to 22 are not allowable due to formal reasons.

4. In addition to document (1), the Examining Division has found documents (2) to (4). The Examining Division considers these documents relevant in so far as they disclose various possibilities for how lenses or lens systems can be brought from the optical axis to a non-operating position. From the found prior art it is however not obvious to a person skilled in the art to provide a mount for a zoom lens, in which a lens or lens group, which is an indispensable part of a zoom lens (i.e. variator or compensator), is moved from an operating position to a non-operating position out of the optical axis when the zoom lens is retracted, and is moved to a position parallel to a further lens(group), wherein in the non-operating position, the two lens(groups) are positioned next to each other when viewed perpendicular to the optical axis of one of the lens groups. It has to be noted that in document (1), column 5, lines 21 to 24 it is suggested that the teaching disclosed be also applied to a zoom lens. Accordingly, in view of document (1), the movement of a lens(group) out of the optical axis and the movement of this lens(group) as well as the movement of a second lens(group) along or parallel to the former common optical axis to a non-operating position is also an inventive measure.

The applicant is invited to file a complete, adapted set of claims according to the above remarks. With the present documents a grant of patent is not possible.

Examining division for class G02B  
Dipl.-Phys. Deninger  
Extension: 3013

Enclosure: copies of citations (1) to (4)



103 52 969.1-51

Pentax Corp.

A 9452 A1 DE - mn

Translation of the Office Action  
of October 20, 2004

Request of examination, fee paid on July 2, 2004

Documents filed on received on

The examination of the above mentioned patent application has led to the following result.

For response a term of

4 months, i.e. until March 8, 2005

is granted, starting with delivery.

For documents that are eventually attached to the response (e.g. patent claims, specification, portions of specification, drawings), two sets each on separate sheets are required. Of the response itself only one set is required.

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(1) EP 0 598 703 A2

(2) JP 09-015682 A with corresponding abstract

1. From document (1), in particular figures 23a to 23C with corresponding description, in view of the subject matter of claim 1, a mechanism for pivoting a lens 26 is known. The lens 26 with the frame is supported at a support element 37 and is pivoted about the pivot axis X7. The distance of a cam bar 35 extending parallel to the optical axis from the support element is variable, as can be immediately taken from the three above-mentioned figures. An engagement element is formed at the lens frame, said engagement element being accentuated in bold print at the back of the lens frame 26 in the figures, which the cam bar 35 engages upon variation of the distance from the support element 37 and thereby pivots the lens frame 26 transversely to the optical axis, i.e. about the pivot axis X7. Thus, all features of the subject matter of claim 1 are known.

Thus, claim 1 is not novel. For this reason, claim 1 is not allowable. Claims 2 to 5 are not allowable for formal reasons.

2. As regards the embodiment of the cam bar and the support element, the applicant's attention is also drawn to document (2). In this document, the distance of a cam bar 11 from a support element 10, which in turn includes a lens L3, varies and thereby pivots the lens frame with the lens L3 about the pivot axis 12 out of the beam path of the optical system consisting of the lenses L1, L2, L3.
3. Differences over the cited prior art only result from the concrete development of the embodiment. The applicant is invited to file a complete and accordingly adapted set of claims. Please pay attention to the search result in the parent application.

Examining division for class G02B

Dipl.-Phys. Deninger

Extension: 3013

Enclosure: copies of citations (1) and (2)



**GREENBLUM & BERNSTEIN, P.L.C.**  
**Intellectual Property Causes**  
 1950 Roland Clarke Place  
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Attorney Docket No. P23704

In re application of: Hiroshi NOMURA

Application No. : 10/646,859

Filed : August 25, 2003

**Mail Stop Amendment**  
 Group Art Unit: 2851

Examiner: Arthur A. SMITH

For : RETRACTABLE PHOTOGRAPHING LENS

**Mail Stop Amendment**

Commissioner for Patents

U.S. Patent and Trademark Office

Customer Service Window, Mail Stop \_\_\_\_\_

Randolph Building

401 Dulany Street

Alexandria, VA 22314

Sir:

Transmitted herewith is an **Amendment and Response under 37 C.F.R. 1.111** in the above-captioned application.

Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☒ A Request for Extension of Time.

☒ The two Japanese priority patent applications (*i.e.*, Japanese Patent Application Nos. 2002-247338, filed August 27, 2002; and 2003-25417, filed February 3, 2003) each have Japanese filing dates that are before the February 20, 2003 U.S. filing date of the NOMURA et al. publication.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 22	*20	2	x25=	\$	x 50=	\$100.00
Indep. Claims: 2	**3	0	x100=	\$	x200=	\$0.00
Multiple Dependent Claims Presented			+180=	\$	+360=	\$0.00
Extension Fees for Two Month(s)				\$		\$450.00
IDS						\$180.00
Total:				\$	Total:	\$730.00

\* If less than 20, write 20

\*\* If less than 3, write 3

Please charge my Deposit Account No. 19-0089 in the amount of \$\_\_\_\_\_.

☒ A check in the amount of **\$730.00** to cover the filing/extension fee is included.

☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

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